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June 28, 2024

RE: D.I. 1205

VIA CM/ECF

PUBLIC VERSION FILED
JULY 8, 2024

The Honorable Leonard P. Stark
United States Circuit Judge
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, D.C. 20439

Re: *Crystallex Int'l Corp. v. Bolivarian Republic of Venezuela*,
C.A. No. 1:17-mc-00151-LPS (D. Del.)

Dear Judge Stark:

I represent the Bolivarian Republic of Venezuela (“Republic”), and I write today on the Republic’s behalf, as well as on the behalf of counsel for Petróleos de Venezuela, S.A., PDV Holding, Inc., and CITGO Petroleum Corporation (together with the Republic, the “Venezuela Parties”) to update the Court in advance of the July 2, 2024 conference about apparent leaks of confidential information related to the sale process.¹

As the Court knows, the Special Master speculated, and the Venezuela Parties have unequivocally denied, that a Venezuela Party might have leaked protected information concerning the sale process.² But recent Reuters articles, including one published just last week, purport to contain confidential information that could not have been provided by the Venezuela Parties.

¹ Out of an excess of caution and because the email forwarding the redacted bid letters was designated “Highly Confidential,” this letter is being filed under seal.

² See D.I. 1159 at 5.

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Specifically, a Reuters article published on June 17, 2024,³ states that “people close to the” sale process have reported that “[a]t least five groups of investors submitted binding bids” to the Special Master, and that “three have secured financing commitments.”⁴ The article also states that these “people” disclosed that “Wall Street banks JPMorgan and Morgan Stanley, and advisors and investors Rothschild & Co. and Elliott Investment Management have secured financing for several offers.” *Id.*

The Venezuela Parties could not have been the source of the information contained in the June 17 report. The Venezuela Parties only received the bid letters from the Special Master on June 19, 2024 — two days *after* Reuters published its article — and those letters were redacted to exclude information identifying the bidders and the entities providing financing. This is only the latest of several Reuters articles that, citing anonymous sources, published statements about bids and bidders that cannot have come from the Venezuela Parties.

The Venezuela Parties remain concerned about the negative influence that continued leaks may have, and the possible prejudice they face from erroneous speculation that Venezuela Parties are responsible for the leaks. The Venezuela Parties respectfully request that the Court remind *all* participants (and their advisors) to preserve the confidentiality of protected information.

Respectfully,

/s/ Christopher Fitzpatrick Cannataro

Christopher Fitzpatrick Cannataro (#6621)

CFC/
Cc: All Counsel of Record (via CM/ECF)

³ See <https://www.reuters.com/business/finance/financial-alliances-build-citgo-share-auction-enters-last-mile-2024-06-17/>.

⁴ Nothing in this letter should be construed as confirming or denying the assertions in the Reuters article.

CERTIFICATE OF SERVICE

I hereby certify that, on June 28, 2024, my firm served true and correct copies of the foregoing *Letter to The Honorable Leonard P. Stark from Christopher Fitzpatrick Cannataro, Esq. Regarding Confidential Information* under seal with the Court using CM/ECF:

/s/ Christopher Fitzpatrick Cannataro
Christopher Fitzpatrick Cannataro (#6621)